

## **H. RES.**

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### **H.R. 5522 - Combustible Dust Explosion & Fire Prevention Act of 2008**

1. Structured rule.
2. Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education and Labor.
3. Waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI.
4. Provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read.
5. Waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
6. No amendments shall be in order except those amendments printed in the Rules Committee report accompanying the resolution.
7. Provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.
8. Waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI.

9. Provides one motion to recommit with or without instructions.
10. Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

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## RESOLUTION

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill

and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. During consideration in the House of H.R. 5522 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

**SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER**  
(summaries derived from information provided by sponsors)

<b>Sponsor</b>	<b>#</b>	<b>Description</b>	<b>Debate Time</b>
<b>1. Miller, George (CA):</b>	<b>#3</b>	The Manager's Amendment makes four adjustments to the bill: (1) corrects the short title; (2) provides that engineering controls required by the interim standard shall be effective 6 months after issuance of the standard (rather than 30 days); (3) maintains the provision that DOL shall include appropriate and relevant NFPA standards in the final standard but eliminates references to specific NFPA standards; and (4) clarifies that the final standard shall be conducted in accordance with usual rulemaking procedural requirements, including those that provide for small business review.	(10 minutes)
<b>2. Wilson, Joe (SC):</b>	<b>#1</b>	<b>Amendment in the Nature of a Substitute.</b> The substitute amendment directs OSHA to wait for the outcome of the Imperial Sugar investigation and findings from the combustible dust National Emphasis Program before deciding on whether to move forward with a standard.	(● 30 minutes)